

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JAMES ERNEST DICKERSON.

Plaintiff,

V.

SERGEANT KAMMERZELL,

Defendant.

Case No. C06-5263 FDB/KLS
ORDER TO SHOW CAUSE

This case has been referred to United States Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. § 636(b)(1) and Local MJR 3 and 4. This matter comes before the Court on plaintiff's filing of an application to proceed *in forma pauperis* and a civil rights complaint under 42 U.S.C. § 1983. To file a complaint and initiate legal proceedings plaintiff must pay a filing fee of \$350.00 or file a proper application to proceed *in forma pauperis*.

On May 15, 2006, the Clerk received plaintiff's complaint. (Dkt. # 1). On May 17, 2006, the Clerk sent plaintiff a letter informing him that he must either pay the court filing fee or submit a proper application to proceed *in forma pauperis* by June 14, 2006, or this matter could be subject to dismissal. (Dkt. # 2). On July 7, 2006, the plaintiff submitted an application to proceed *in forma pauperis*. However, plaintiff failed to submit a trust account statement as required.

Pursuant to 28 U.S.C. § 1915(a)(2):

A prisoner seeking to bring a civil action or appeal a judgment in a civil action or

1 proceeding without prepayment of fees or security therefor . . . shall submit a certified
2 copy of the trust fund account statement (or institutional equivalent) for the prisoner for
3 the 6-month period immediately preceding the filing of the complaint or notice of appeal,
obtained from the appropriate official of each prison at which the prisoner is or was
confined.

4 Plaintiff thus was required to submit a statement showing the balance and activity of his account for the
5 six-month period immediately preceding the filing of his complaint.

6 Accordingly, the Court orders the following:

7 (1) Plaintiff shall seek to cure the above deficiency by paying the full \$350.00 court filing fee or
8 filing a proper application to proceed *in forma pauperis* **no later than August 7, 2006**.

9 **Failure to cure this deficiency by the above date shall be deemed a failure to properly
10 prosecute this matter and the court will recommend dismissal of this matter.**

11 (2) The Clerk is directed to send a copy of this Order to plaintiff.

13 DATED this 18th day of July, 2006.



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15 Karen L. Strombom
16 United States Magistrate Judge
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